

<sup>1</sup> 5 U.S.C. § 8101 *et seq.*

the side and bottom of her right heel due to factors of her federal employment, including excessive walking. She explained that approximately two months prior to filing her claim she began experiencing burning pain in her heel at the end of her workday, which worsened with increased walking pace. Appellant alleged that she first became aware of her claimed condition and realized its relation to her federal employment on January 18, 2021. She stopped work on February 1, 2021.

In a statement dated January 27, 2021, appellant reiterated the details of the pain symptoms she experienced due to her employment activities, which culminated in November 2020. She related that, thereafter, she experienced worsened pain in the last two weeks. Appellant asserted that she did not injure her foot and that the ongoing pain caused her to seek medical treatment.

On January 29, 2021 Dr. Wanda Blaylark, a Board-certified occupational medicine specialist, diagnosed right plantar fasciitis and indicated that appellant should only perform stationary work duties through February 5, 2021.

In a February 4, 2021 development letter, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence necessary to establish her claim and provided a questionnaire for her completion. OWCP also requested a narrative medical report from appellant's treating physician containing a detailed description of findings and a diagnosis, explaining how her work activities caused, contributed to, or aggravated her medical condition. In a separate development letter of even date, it requested that the employing establishment provide comments from a knowledgeable supervisor regarding the accuracy of her allegations. OWCP afforded both parties 30 days to respond.

A January 29, 2021 note from Dr. Blaylark recounted appellant's complaints of pain that she alleged began two months prior and had worsened in the last two weeks. Dr. Blaylark noted that appellant's official work duties required her to constantly walk during her delivery route and that she indicated brisk walking worsened the pain. She also related that appellant denied any previous right foot condition and that her condition was a work-related injury. In a medical report of even date, Dr. Blaylark noted appellant's diagnosed condition and modified work schedule.

On February 5, 2021 appellant followed up with Dr. Blaylark and advised that she had not experienced improvement in her symptoms following her medical treatment, but that she can return to work with modified duties. In a work duty status report of even date, Dr. Blaylark indicated that appellant was in a temporary alternate work status from February 5 to 22, 2021 and provided modified duties requiring no more than 20 minutes per hour of standing or walking during that period.

On February 18, 2021 appellant responded to OWCP's development questionnaire explaining that her official duties require her to continuously walk an average of five to six hours while carrying up to 30 pounds of mail on her delivery route. She further asserted that she did not experience any foot pain previously and that she began experiencing increased pain by the end of her delivery route. Appellant also indicated that she did not engage in any sports or physical activities outside of her federal employment.

In a February 22, 2021 note, Dr. Blaylark reported that appellant's condition had slightly improved with the prescribed medical treatment; however, she continued to experience significant discomfort when she walked. In a work duty status report of even date, she indicated that appellant should continue her current work restrictions until March 15, 2021.

A March 15, 2021 note from Dr. Blaylark noted that appellant had seen improvement from her medical treatment; however, she indicated that appellant was unable to perform the duties of her date-of-injury position. In a work duty status report of even date, Dr. Blaylark modified her work restrictions to a maximum of 30 minutes of prolonged standing or walking until April 26, 2021.

By decision dated April 9, 2021, OWCP denied appellant's occupational disease claim, finding that the medical evidence of record was insufficient to establish a right heel condition causally related to the accepted factors of her federal employment. Consequently, it found that she had not met the requirements to establish an injury or medical condition causally related to the accepted employment factors.

OWCP received a March 25, 2021 note from Dr. Timothy Bernard, a podiatrist, who opined that appellant's right plantar fasciitis was aggravated by her prolonged walking and standing. Dr. Bernard further noted that she did not experience any prior injury or condition of her right foot before the onset of her current pain.

On April 24, 2021 appellant requested reconsideration of OWCP's April 9, 2021 decision and attached additional medical evidence. In a letter of even date, Dr. Blaylark reiterated that her official duties require her to walk up to 30,000 steps per day on her route and that she did not experience any prior injuries with her right foot. She opined that appellant's right heel condition was causally related to her work activities of prolonged walking and standing.

By decision dated July 21, 2021, OWCP denied modification of its April 9, 2021 decision.

### **LEGAL PRECEDENT**

An employee seeking benefits under FECA<sup>2</sup> has the burden of proof to establish the essential elements of his or her claim, including that the individual is an employee of the United States within the meaning of FECA, that the claim was timely filed within the applicable time limitation of FECA,<sup>3</sup> that an injury was sustained in the performance of duty as alleged, and that any disability or medical condition for which compensation is claimed is causally related to the

---

<sup>2</sup> *Supra* note 1.

<sup>3</sup> *F.H.*, Docket No.18-0869 (issued January 29, 2020); *J.P.*, Docket No. 19-0129 (issued April 26, 2019); *Joe D. Cameron*, 41 ECAB 153 (1989).

employment injury.<sup>4</sup> These are the essential elements of each and every compensation claim, regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>5</sup>

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit: (1) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; (2) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; and (3) medical evidence establishing that the diagnosed condition is causally related to the identified employment factors by the claimant.<sup>6</sup>

The medical evidence required to establish causal relationship between a claimed specific condition and an employment incident is rationalized medical opinion evidence.<sup>7</sup> The opinion of the physician must be based on a complete factual and medical background of the employee, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and specific employment factors.<sup>8</sup>

### ANALYSIS

The Board finds that appellant has not met her burden of proof to establish a right foot condition causally related to the accepted factors of her federal employment.

In support of her claim, appellant submitted a letter from Dr. Blaylark dated April 24, 2021 wherein she opined that prolonged standing and walking of up to 30,000 steps a day as part of appellant's official duties as a mail carrier aggravated her right plantar fasciitis. The Board finds that, while she provides an opinion on causal relationship, her reports are insufficient to meet appellant's burden of proof, as she did not provide adequate medical reasoning to explain how prolonged standing and walking caused or contributed to appellant's diagnosed medical condition. The Board has held that medical evidence that does not offer a rationalized medical explanation regarding the cause of an employee's condition is of limited probative value on the issue of causal relationship.<sup>9</sup> Thus, Dr. Blaylark's April 24, 2021 report is insufficient to meet appellant's burden of proof.

---

<sup>4</sup> *L.C.*, Docket No. 19-1301 (issued January 29, 2020); *J.H.*, Docket No. 18-1637 (issued January 29, 2020); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

<sup>5</sup> *P.A.*, Docket No. 18-0559 (issued January 29, 2020); *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *Delores C. Ellyett*, 41 ECAB 992 (1990).

<sup>6</sup> *T.W.*, Docket No. 20-0767 (issued January 13, 2021); *L.D.*, Docket No. 19-1301 (issued January 29, 2020); *S.C.*, Docket No. 18-1242 (issued March 13, 2019).

<sup>7</sup> *S.S.*, Docket No. 19-0688 (issued January 24, 2020); *A.M.*, Docket No. 18-1748 (issued April 24, 2019); *Robert G. Morris*, 48 ECAB 238 (1996).

<sup>8</sup> *T.L.*, Docket No. 18-0778 (issued January 22, 2020); *Y.S.*, Docket No. 18-0366 (issued January 22, 2020); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

<sup>9</sup> *M.E.*, Docket No. 18-0940 (issued June 11, 2019).

Likewise, in a March 25, 2021 medical report from Dr. Bernard, he opined that appellant's right plantar fasciitis was aggravated by prolonged walking and standing at work. He noted that, prior to November 2020, she had no pain or symptoms in her right foot. As noted above, the Board has held that a medical opinion without adequate rationale is insufficient to establish appellant's burden of proof. Moreover, an opinion that a condition is causally related to an employment incident because the employee was asymptomatic before the injury is insufficient, without adequate rationale, to establish causal relationship.<sup>10</sup> Therefore, Dr. Bernard's report is insufficient to establish appellant's burden of proof.

The remaining evidence of record includes notes dated January 29 to March 15, 2021 from Dr. Blaylark where she recounted appellant's history of injury and medical treatment. Dr. Blaylark diagnosed right plantar fasciitis and provided work restriction. However, she did not offer an opinion on causal relationship. The Board has held that medical evidence that does not offer an opinion regarding the cause of an employee's condition is of no probative value on the issue of causal relationship.<sup>11</sup> As such, Dr. Blaylark's remaining reports are of no probative value and are insufficient to establish appellant's claim.

As there is no rationalized medical evidence explaining how appellant's employment duties caused or aggravated her diagnosed condition, the Board finds that she has not met her burden of proof.

Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.605 through 10.607.

### **CONCLUSION**

The Board finds that appellant has not met her burden of proof to establish a right foot condition causally related to the factors of her federal employment.

---

<sup>10</sup> See *S.D.*, Docket No. 20-1255 (issued February 3, 2021); *F.H.*, Docket No. 18-1238 (issued January 18, 2019); *J.R.*, Docket No. 18-0206 (issued October 15, 2018).

<sup>11</sup> *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

**ORDER**

**IT IS HEREBY ORDERED THAT** the April 9 and July 21, 2021 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: March 15, 2022  
Washington, DC

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Alternate Judge  
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge  
Employees' Compensation Appeals Board